IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.21347 of 2008
PAPPU CHOUBEY @ PAPU CHOUBEY
Versus
THE STATE OF BIHAR

03/ **06.08.2008** Heard.

The case is under Section 304B/34 of the IPC and the petitioner is the husband and married to the deceased sometimes in the year, 2000. The allegation is that the deceased was being ill-treated and tortured by the petitioner and others for not bringing cash and ultimately, she was poisoned to death. It is true that some witnesses supports the allegations are belonging to the family of the informant, but some of the independent witnesses in paragraphs 36, 58 and onwards have stated that it was true that there was a quarrel between the petitioner and the deceased, but the deceased herself swallowed poison and she was shifted to Gopalganj where she succumbed to poisoning. Five years old son of the deceased also stated the same fact in paragraph 58 of the case diary.

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Regard being had to the conflicting materials in the case diary indicating the probabilities as submitted by the defence, let petitioner Pappu Choubey @ Papu

Choubey be released from custody on execution of a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Kuchaikot P.S. Case No. 148 of 2007.

DKS/ **(Dharnidhar Jha, J)**

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